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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,239

06/02/2006

Ziya Arslankiray

2003P01814WOUS

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46726

7590

08/26/2009

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EXAMINER

BRADEN, SHAWN M

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

08/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,239	<b>Applicant(s)</b> ARSLANKIRAY ET AL.	
	<b>Examiner</b> SHAWN M. BRADEN	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/06/08,06/02/06</u> .                                       | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fierek (USPN 5,669,498) in view of Cox (USPN 5,344,023).

Fierek discloses the invention substantially as claimed.

2. With respect to claim 13, Fierek shows a support plate (68,70,72,74) in which a plurality of receptacles (18,20,22,24) for respectively one egg is formed, and a wall (102) surrounding the support plate, and that the surrounding wall (102) is divided into a plurality of wall sections separated by recesses (80,82,84,86).

3. With respect to claim 14, Fierek shows the wall (102) sections are each constructed such that they project over the circumference of the support plate (fig. 4).

4. With respect to claim 15, Fierek shows a section of the circumference of the support plate (68,70,72,74) on which an upright wall section (102) is arranged so that it projects over the circumference is located diametrically opposite to a section of the circumference on which a recess (80,82,84,86) is located.

5. With respect to claim 16, Fierek shows, wherein at least two wall sections (112) are arranged on a longitudinal edge of the support plate.

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6. With respect to claim 17, Fierek shows further comprising a spacer (the recess at the distal end of 68,70,72,74 shown but not labeled) disposed on an underside of the support plate.

7. With respect to claim 18, Fierek shows further comprising a second egg tray (16) including a second support plate (68,70,72,74) in which a plurality of receptacles (18,20,22,24) for respectively one egg is formed, and a second wall (102) surrounding the second support plate, wherein the second surrounding wall is divided into a plurality of second wall sections separated by recesses (80,82,84,86).

8. With respect to claim 19, Fierek shows the wall sections of the egg tray differ in height from the second wall sections of the second egg tray (fig. 1).

9. With respect to claim 20, Fierek shows the wall sections of the egg tray and the second wall sections of the second egg tray (16) have substantially the same dimensions with regard to height (to the extent “substantially the same” is defined, fig. 1 also meets this claim language).

10. With respect to claim 21, Fierek shows the two egg trays can be stacked by engagement of the wall sections of one of the egg trays into the recesses (80,82,84,86) of the other egg tray (fig. 9).

11. With respect to claim 22, Fierek shows a handle (26) projecting from the support plate (68,70,72,74) above its center of gravity.

12. With respect to claim 23, Fierek shows wherein in addition to the handle, a slit (28 col 5 line 43) is formed in the support plate (68,70,72,74) through which a handle (26) of a second egg tray (16) can be passed.

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13. With respect to claim 24, Fierek shows wherein the handle (26) has the form of a plate (any of the handles surfaces have the form of a plate fig. 8) and that one surface of the plate (the left side of the handle) is directly adjacent to the slit (28).

14. With respect to claim 25, Fierek shows wherein the plate (left side of the handle) is thicker in its upper area (thickness increases when traveling up the left side meets the top plate of the handle 26).

15. With respect to claim 26, Fierek shows a first egg tray (14) and a second egg tray, each egg tray having a support plate (68,70,72,74) in which a plurality of receptacles (18,20,22,24) for respectively one egg is formed, and a wall (102) surrounding the support plate, and that the surrounding wall is divided into a plurality of wall sections separated by recesses (60,62,64); a handle (26) projecting upwardly from the support plate (68,70,72,74) of each egg tray above its center of gravity and a slit (28 col 5 line 43) is formed in the support plate (68,70,72,74) of each egg tray, the handle (26) of one of the egg trays being receivable through the slit (28 col 5 line 43) of the other egg tray to interconnect the egg trays; and the first and second egg trays being stackable (fig. 10 last paragraph of col 4) with one another by engagement of the wall (102) sections of one of the egg trays into the recesses (60,62,64) of the other egg tray.

16. With respect to claim 27, Fierek shows wherein the wall sections of the first egg tray (14) differ in height from the wall sections of the second egg tray (16) (fig.1).

17. With respect to claim 28, Fierek shows wherein the wall sections of the first and second egg trays have substantially the same dimensions with regard to height (to the extent "substantially the same" is defined, fig. 1 also meets this claim language).

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18. With respect to claim 29, Fierek shows wherein each egg tray includes a spacer (the recess at the distal end of 68,70,72,74 shown but not labeled) disposed on an underside of the support plate, the spacer of one of the egg trays contacting a top side of the support plate (68,70,72,74) of the other egg tray to space the support plates of the respective egg trays apart from one another when the egg trays are stacked one above the other.

19. With respect to claim 30, Fierek shows wherein the receptacles of the first and second trays are aligned with one another when the egg trays are stacked (fig. 9).

However Fierek does not disclose wherein the receptacles are formed by openings in the support plate.

**Cox** teaches wherein the receptacles (30) are formed by openings in the support plate (28) in the same field of endeavor for the purpose of holding eggs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add openings in the bottoms of (18,20,22,24) of the first and second tray in order to keep the eggs from rolling around in the container.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781

/S. M. B./  
Examiner, Art Unit 3781